

(3) ELIGIBLE RECIPIENTS.—The Administrator may provide grants under paragraph (1) to—

- (A) a State;
- (B) an Indian Tribe;
- (C) a city or other political subdivision of a State; or

(D) a nonprofit organization, including an institution of higher education or a venture development organization.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated \$50,000,000 for fiscal year 2022 and each subsequent fiscal year to carry out this section.

**SA 1780.** Mr. TUBERVILLE submitted an amendment intended to be proposed by him to the bill S. 1260, to establish a new Directorate for Technology and Innovation in the National Science Foundation, to establish a regional technology hub program, to require a strategy and report on economic security, science, research, innovation, manufacturing, and job creation, to establish a critical supply chain resiliency program, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. \_\_\_\_ . PROHIBITING TSP INVESTMENT IN CHINA.**

(a) FINDINGS.—Congress finds the following:

(1) The Thrift Savings Fund invests more than \$700,000,000,000 on behalf of plan participants. As the guardian of the retirement funds of approximately 6,000,000 Federal civilian and military plan participants, it is critical that sums in the Thrift Savings Fund are not invested in securities linked to the economy of the People's Republic of China.

(2) Companies headquartered in the People's Republic of China have repeatedly committed corporate espionage, violated sanctions imposed by the United States, flouted international property laws, committed theft, and failed to comply with audit and regulatory standards designed to safeguard investors.

(3) The Thrift Savings Plan is known for its low management fees and comprehensive array of investment strategies. The provisions of this section, and the amendments made by this section, will not increase fees imposed on participants of the Thrift Savings Plan.

(4) The November 2017 selection of the MSCI ACWI Index by the Federal Retirement Thrift Investment Board, initially scheduled to be effective in 2020, would violate the terms of subsection (i) of section 8438 of title 5, United States Code, as added by subsection (b)(1) of this section.

(b) PROHIBITION ON ANY TSP FUND INVESTMENT IN ENTITIES ORGANIZED OR ESTABLISHED IN THE PEOPLE'S REPUBLIC OF CHINA.—

(1) IN GENERAL.—Section 8438 of title 5, United States Code, is amended by adding at the end the following:

“(i) Notwithstanding any other provision of this section, no fund established or overseen by the Board may include an investment in any security of—

“(1) an entity organized or established in the People's Republic of China; or

“(2) any subsidiary that is owned or operated by an entity described in paragraph (1).”.

(2) DIVESTITURE OF ASSETS.—Not later than 180 days after the date of enactment of this Act, the Federal Retirement Thrift Investment Board established under section 8472(a) of title 5, United States Code, shall—

(A) review whether any sums in the Thrift Savings Fund are invested in violation of subsection (i) of section 8438 of that title, as added by paragraph (1) of this subsection;

(B) if any sums are invested in the manner described in subparagraph (A), divest those sums in a manner that is consistent with the legal and fiduciary duties provided under chapter 84 of that title, or any other applicable provision of law; and

(C) reinvest any sums divested under subparagraph (B) in investments that do not violate subsection (i) of section 8438 of that title, as added by paragraph (1) of this subsection.

(c) PROHIBITION ON INVESTMENT OF TSP FUNDS IN ENTITIES ORGANIZED OR ESTABLISHED IN THE PEOPLE'S REPUBLIC OF CHINA THROUGH THE TSP MUTUAL FUND WINDOW.—Section 8438(b)(5) of title 5, United States Code, is amended by adding at the end the following:

“(E) A mutual fund accessible through a mutual fund window authorized under this paragraph may not include an investment in any security of—

“(i) an entity organized or established in the People's Republic of China; or

“(ii) any subsidiary that is owned or operated by an entity described in clause (i).”.

**SA 1781.** Mr. LEE submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. SCHUMER to the bill S. 1260, to establish a new Directorate for Technology and Innovation in the National Science Foundation, to establish a regional technology hub program, to require a strategy and report on economic security, science, research, innovation, manufacturing, and job creation, to establish a critical supply chain resiliency program, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. \_\_\_\_ . REQUIREMENT FOR AN AUTHORIZATION FOR THE USE OF MILITARY FORCE.**

Notwithstanding the War Powers Resolution (Public Law 93-148; 50 U.S.C. 1541 et seq.), the Authorization for Use of Military Force (Public Law 107-40; 50 U.S.C. 1541 note), any other provision of law, and any obligations under the Japanese Treaty, the Philippines Treaty, the U.S. Australia New Zealand Agreement, the Republic of Korea Treaty, or the Southeast Asia Treaty, the President may not introduce members of the Armed Forces into hostilities in or involving the People's Republic of China unless—

(1) such action is necessary, for a period of no longer than 30 days, to repel a sudden attack, or the concrete, specific, and immediate threat of such a sudden attack, upon the United States, its territories, or possessions, its armed forces, or other United States citizens overseas; or

(1) Congress has enacted an authorization for the use of military force.

**SA 1782.** Mr. CARDIN submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. SCHUMER to the bill S. 1260, to establish a new Directorate for Technology and Innovation in the National Science Foundation, to establish a regional technology hub program, to require a strategy and report on economic security, science, research, innovation, manufacturing, and job creation, to es-

tablish a critical supply chain resiliency program, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 3313 and insert the following:

**SEC. 3313. MODIFICATIONS TO AND REAUTHORIZATION OF SANCTIONS WITH RESPECT TO HUMAN RIGHTS VIOLATIONS.**

(a) DEFINITIONS.—Section 1262 of the Global Magnitsky Human Rights Accountability Act (Subtitle F of title XII of Public Law 114-328; 22 U.S.C. 2656 note) is amended by striking paragraph (2) and inserting the following:

“(2) IMMEDIATE FAMILY MEMBER.—The term ‘immediate family member’, with respect to a foreign person, means the spouse, parent, sibling, or adult child of the person.”.

(b) SENSE OF CONGRESS.—The Global Magnitsky Human Rights Accountability Act (Subtitle F of title XII of Public Law 114-328; 22 U.S.C. 2656 note) is amended by inserting after section 1262 the following new section:

**“SEC. 1262A. SENSE OF CONGRESS.**

“It is the sense of Congress that the President should establish and regularize information sharing and sanctions-related decision making with like-minded governments possessing human rights and anti-corruption sanctions programs similar in nature to those authorized under this subtitle.”.

(c) IMPOSITION OF SANCTIONS.—

(1) IN GENERAL.—Subsection (a) of section 1263 of the Global Magnitsky Human Rights Accountability Act (Subtitle F of title XII of Public Law 114-328; 22 U.S.C. 2656 note) is amended to read as follows:

“(a) IN GENERAL.—The President may impose the sanctions described in subsection (b) with respect to—

“(1) any foreign person that the President determines, based on credible information—

“(A) is responsible for or complicit in, or has directly or indirectly engaged in, serious human rights abuse or any violation of internationally recognized human rights;

“(B) is a current or former government official, or a person acting for or on behalf of such an official, who is responsible for or complicit in, or has directly or indirectly engaged in—

“(i) corruption, including—

“(I) the misappropriation of state assets;

“(II) the expropriation of private assets for personal gain;

“(III) corruption related to government contracts or the extraction of natural resources; or

“(IV) bribery; or

“(ii) the transfer or facilitation of the transfer of the proceeds of corruption;

“(C) is or has been a leader or official of—

“(i) an entity, including a government entity, that has engaged in, or whose members have engaged in, any of the activities described in subparagraph (A) or (B) during the tenure of the leader or official; or

“(ii) an entity whose property and interests in property are blocked pursuant to this section as a result of activities during the tenure of the leader or official;

“(D) has materially assisted, sponsored, or provided financial, material, or technological support for, or goods or services to or in support of—

“(i) an activity described in subparagraph (A) or (B) that is conducted by a foreign person;

“(ii) a person whose property and interests in property are blocked pursuant to this section; or

“(iii) an entity, including a government entity, that has engaged in, or whose members have engaged in, an activity described

in subparagraph (A) or (B) conducted by a foreign person; or

“(E) is owned or controlled by, or acts or is purported to act for or on behalf of, directly or indirectly, a person whose property and interests in property are blocked pursuant to this section; and

“(2) any immediate family member of a person described in paragraph (1).”.

(2) **SANCTIONS DESCRIBED.**—Clause (ii) of subsection (b)(2)(C) of such section is amended to read as follows:

“(i) **GOOD.**—In this subparagraph, the term ‘good’ means any article, natural or man-made substance, material, supply, or manufactured product, including inspection and test equipment, and excluding technical data.”.

(3) **CONSIDERATION OF CERTAIN INFORMATION.**—Subsection (c)(2) of such section is amended by inserting “corruption and” after “monitor”.

(4) **REQUESTS BY CONGRESS.**—Subsection (d) of such section is amended—

(A) in paragraph (1)—

(i) in the matter preceding subparagraph (A), by striking “subsection (a)” and inserting “subsection (a)(1)”; and

(ii) in subparagraph (B)(i), by inserting “or an immediate family member of the person”; and

(B) in paragraph (2)—

(i) in subparagraph (A)—

(I) in the subparagraph heading, by striking “HUMAN RIGHTS VIOLATIONS” and inserting “SERIOUS HUMAN RIGHTS ABUSE OR VIOLATIONS OF INTERNATIONALLY RECOGNIZED HUMAN RIGHTS”; and

(II) by striking “described in paragraph (1) or (2) of subsection (a)” and inserting “described in subsection (a)(1) relating to serious human rights abuse or any violation of internationally recognized human rights”; and

(ii) in subparagraph (B)—

(I) in the matter preceding clause (i), by striking “described in paragraph (3) or (4) of subsection (a)” and inserting “described in subsection (a)(1) relating to corruption or the transfer or facilitation of the transfer of the proceeds of corruption”; and

(II) by striking “ranking member of” and all that follows through the period at the end and inserting “ranking member of one of the appropriate congressional committees”.

(5) **TERMINATION OF SANCTIONS.**—Subsection (g) of such section is amended, in the matter preceding paragraph (1), by inserting “and the immediate family members of that person” after “a person”.

(d) **REPORTS TO CONGRESS.**—Section 1264(a) of the Global Magnitsky Human Rights Accountability Act (Subtitle F of title XII of Public Law 114-328; 22 U.S.C. 2656 note) is amended—

(1) in paragraph (5), by striking “; and” and inserting a semicolon;

(2) in paragraph (6), by striking the period at the end and inserting “; and”; and

(3) by adding at the end the following:

“(7) A description of additional steps taken by the President through diplomacy and assistance to foreign or security sectors to address persistent underlying causes of serious human rights abuse, violations of internationally recognized human rights, and corruption in each country in which foreign persons with respect to which sanctions have been imposed under section 1263 are located.”.

(e) **REPEAL OF SUNSET.**—Section 1265 of the Global Magnitsky Human Rights Accountability Act (Subtitle F of title XII of Public Law 114-328; 22 U.S.C. 2656 note) is repealed.

**SA 1783.** Mr. CARDIN submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr.

SCHUMER to the bill S. 1260, to establish a new Directorate of Technology and Innovation in the National Science Foundation, to establish a regional technology hub program, to require a strategy and report on economic security, science, research, innovation, manufacturing, and job creation, to establish a critical supply chain resiliency program, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

#### **DIVISION G—MINORITY BUSINESS RESILIENCY**

##### **SEC. 7001. SHORT TITLE; TABLE OF CONTENTS.**

(a) **SHORT TITLE.**—This division may be cited as the “Minority Business Resiliency Act of 2021”.

(b) **TABLE OF CONTENTS.**—The table of contents for this division is as follows:

#### **DIVISION G—MINORITY BUSINESS RESILIENCY**

Sec. 7001. Short title; table of contents.

Sec. 7002. Findings and purposes.

Sec. 7003. Definitions.

Sec. 7004. Minority Business Development Agency.

#### **TITLE I—EXISTING INITIATIVES**

Subtitle A—Market Development, Research, and Information

Sec. 7101. Private sector development.

Sec. 7102. Public sector development.

Sec. 7103. Research and information.

Subtitle B—Minority Business Development Agency Business Center Program

Sec. 7111. Definition.

Sec. 7112. Purpose.

Sec. 7113. Establishment.

Sec. 7114. Grants and cooperative agreements.

Sec. 7115. Minimizing disruptions to existing MBDA Business Center program.

Sec. 7116. Publicity.

Sec. 7117. Funding.

#### **TITLE II—NEW INITIATIVES TO PROMOTE ECONOMIC RESILIENCY FOR MINORITY BUSINESSES**

Sec. 7201. Annual diverse business forum on capital formation.

Sec. 7202. Agency study on alternative financing solutions.

Sec. 7203. Educational development relating to management and entrepreneurship.

#### **TITLE III—RURAL MINORITY BUSINESS CENTER PROGRAM**

Sec. 7301. Definitions.

Sec. 7302. Business centers.

Sec. 7303. Report to Congress.

Sec. 7304. Study and report.

#### **TITLE IV—MINORITY BUSINESS DEVELOPMENT GRANTS**

Sec. 7401. Grants to nonprofit organizations that support minority business enterprises.

Sec. 7402. Minority business grants.

#### **TITLE V—ADMINISTRATIVE AND OTHER POWERS OF THE AGENCY; MISCELLANEOUS PROVISIONS**

Sec. 7501. Administrative powers.

Sec. 7502. Federal assistance.

Sec. 7503. Audits.

Sec. 7504. Review and report by Comptroller General.

Sec. 7505. Annual reports; recommendations.

Sec. 7506. Separability.

Sec. 7507. Executive Order 11625.

Sec. 7508. Amendment to the Federal Acquisition Streamlining Act of 1994.

Sec. 7509. Authorization of appropriations.

#### **SEC. 7002. FINDINGS AND PURPOSES.**

(a) **FINDINGS.**—Congress finds the following:

(1) During times of economic downturn or recession, communities of color, and businesses within those communities, are generally more adversely affected, which requires an expansion of the ability of the Federal Government to infuse resources into those communities.

(2) Despite the growth in the number of minority business enterprises, gaps remain with respect to key metrics for those enterprises, such as access to capital, revenue, number of employees, and survival rate. Specifically—

(A) according to the Department of Commerce, minority business enterprises are 2 to 3 times more likely to be denied loans than non-minority business enterprises;

(B) according to the Bureau of the Census, the average non-minority business enterprise reports receipts that are more than 3 times higher than receipts reported by the average minority business enterprise; and

(C) according to the Kauffman Foundation—

(i) minority business enterprises are ½ as likely to employ individuals, as compared with non-minority business enterprises; and

(ii) if minorities started and owned businesses at the same rate as non-minorities, the United States economy would have more than 1,000,000 additional employer businesses and more than 9,500,000 additional jobs.

(3) Because of the conditions described in paragraph (2), it is in the interest of the United States and the economy of the United States to expeditiously ameliorate the disparities that minority business enterprises experience.

(4) Many individuals who own minority business enterprises are socially disadvantaged because those individuals identify as members of certain groups that have suffered the effects of discriminatory practices or similar circumstances over which those individuals have no control, including individuals who are—

(A) Black or African American;

(B) Hispanic or Latino;

(C) American Indian or Alaska Native;

(D) Asian; and

(E) Native Hawaiian or other Pacific Islander.

(5) Discriminatory practices and similar circumstances described in paragraph (4) are a significant determinant of overall economic disadvantage in the United States, which is evident in the persistent racial wealth gap in the United States.

(6) While other Federal agencies focus only on small businesses and businesses that represent a broader demographic than solely minority business enterprises, the Agency focuses exclusively on—

(A) the unique needs of minority business enterprises; and

(B) enhancing the capacity of minority business enterprises.

(b) **PURPOSES.**—The purposes of this division are to—

(1) require the Agency to promote and administer programs in the public and private sectors to assist the development of minority business enterprises; and

(2) achieve the development described in paragraph (1) by authorizing the Assistant Secretary to carry out programs that will result in increased access to capital, management, and technology for minority business enterprises.

#### **SEC. 7003. DEFINITIONS.**

In this division:

(1) **AGENCY.**—The term “Agency” means the Minority Business Development Agency of the Department of Commerce.